

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Juan Arango	Team: Squad #9	CCRB Case #: 202004978	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/01/2020 10:00 PM	Location of Incident: Kingston Avenue and Lincoln Place	Precinct: 77	18 Mo. SOL 1/1/2022	EO SOL 5/4/2022	
Date/Time CV Reported Thu, 07/02/2020 12:45 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 07/13/2020 11:36 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Joseph Dionisi	15890	957550	077 PCT
2. An officer			
3. SGT John Nicolosi	03027	950949	DBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Roger Quintero	05330	943706	088 PCT
2. SGT Derek Jaffe	01641	953993	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Abuse: An officer stopped § 87(2)(b)	
B.POM Joseph Dionisi	Abuse: Police Officer Joseph Dionisi stopped § 87(2)(b)	
C. An officer	Abuse: An officer stopped § 87(2)(b)	
D.POM Joseph Dionisi	Abuse: Police Officer Joseph Dionisi frisked § 87(2)(b)	
E.POM Joseph Dionisi	Abuse: Police Officer Joseph Dionisi searched § 87(2)(b)	
F. An officer	Discourtesy: An officer acted discourteously toward § 87(2)(b)	
G. An officer	Abuse: An officer interfered with § 87(2)(b)'s use of a recording device.	
H. An officer	Abuse: An officer threatened to arrest § 87(2)(b)	
I.POM Joseph Dionisi	Abuse: Police Officer Joseph Dionisi threatened to arrest § 87(2)(b)	
J.POM Joseph Dionisi	Abuse: Police Officer Joseph Dionisi refused to provide his name to § 87(2)(b)	
K.POM Joseph Dionisi	Abuse: Police Officer Joseph Dionisi refused to provide his shield number to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Case Summary

On July 2, 2020, § 87(2)(b) filed the following complaint with IAB via 911, generating original log #2020-16314. This complaint was received at the CCRB on July 13, 2020, via log #20-16625.

On July 1, 2020, at approximately 10:00 p.m., § 87(2)(b) was walking on Lincoln Place, between Albany Avenue and Kingston Avenue, when he observed an unmarked vehicle facing the opposite direction. As he walked past the unmarked vehicle, PO Dionisi, of the 77th Precinct, PO2 and PO3 exited the vehicle. PO Dionisi and PO2 approached § 87(2)(b) while PO3 stood behind them. PO2 allegedly grabbed § 87(2)(b) right wrist with his left hand and squeezed it (**Allegation A: Abuse of Authority- Stop, § 87(2)(g)**) (**Allegation B: Abuse of Authority- Stop, § 87(2)(b)**) (**Allegation C: Abuse of Authority- Stop, § 87(2)(g)**) PO Dionisi then allegedly grabbed § 87(2)(b) left arm and began to frisk and search § 87(2)(b) person (**Allegation D: Abuse of Authority- Frisk, § 87(2)(g)**) (**Allegation E: Abuse of Authority- Search of person, § 87(2)(g)**).

§ 87(2)(b) attempted to start recording on his cellphone. PO2 observed that § 87(2)(b) was going to record and allegedly snatched the phone out of § 87(2)(b) hand. As a result, § 87(2)(b) was unable to record (**Allegation F: Discourtesy – Action, § 87(2)(g)**) (**Allegation G: Abuse of Authority – Interference with recording, § 87(2)(g)**).

Right after, PO Dionisi, PO2 and PO3 began to walk back to the unmarked vehicle. Before PO2 entered the vehicle, he allegedly told § 87(2)(b) “Oh, you be over at Park Place and Nostrand. We are going to see you. We are going to catch you at Park Place and Nostrand” (**Allegation H: Abuse of Authority – Threat of Arrest, § 87(2)(g)**). § 87(2)(b) approached the front driver side window and asked PO Dionisi for his name and shield number. In response, PO Dionisi allegedly said, “Stop selling drug to kids. I will catch you at Park Place and Nostrand. You will be at Park Place and Nostrand” (**Allegation I: Abuse of Authority – Threat of Arrest, § 87(2)(g)**) (**Allegation J: Abuse of Authority: Refusal to provide name, § 87(2)(g)**) (**Allegation K: Abuse of Authority – Refusal to provide shield number, § 87(2)(g)**).

§ 87(2)(b) was not arrested or issued any summonses.

The investigation sent five Body-worn Camera (BWC) footage requests; all of which, yielded negative results (**Board Reviews 01, 02, 03, 04, and 05**).

§ 87(2)(b) submitted a cellphone video to the investigation (**Board Review 06**).

§ 87(4-b), § 87(2)(g)

§ 87(2)(b)

Findings and Recommendations

Allegation (A) Abuse of Authority: An officer stopped § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Joseph Dionisi stopped § 87(2)(b)

Allegation (C) Abuse of Authority: An officer stopped § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Joseph Dionisi frisked § 87(2)(b)

Allegation (E) Abuse of Authority: Police Officer Joseph Dionisi searched § 87(2)(b)

Allegation (F) Abuse of Authority: An officer acted discourteously toward § 87(2)(b)

Allegation (G) Abuse of Authority: An officer interfered with § 87(2)(b)'s use of a recording device.

Allegation (H) Abuse of Authority: An officer threatened to arrest § 87(2)(b)

Allegation (I) Abuse of Authority: Police Officer Joseph Dionisi threatened to arrest § 87(2)(b) .

Allegation (J) Abuse of Authority: Police Officer Joseph Dionisi refused to provide his name to § 87(2)(b) .

Allegation (K) Abuse of Authority: Police Officer Joseph Dionisi refused to provide his shield number to § 87(2)(b) .

During his CCRB interview, § 87(2)(b) stated that he was walking down Kingston Place coming from Kingston Avenue when three uniformed officers exited an unmarked black Ford. PO1 exited from the driver seat, PO2 from the back seat, and PO3 from the front passenger seat (**Board Review 09**). The officers stopped him, PO1 frisked and searched him, PO2 grabbed § 87(2)(b) phone out of his hand as he attempted to record, PO1 refused to provide his name and shield, and PO1 and PO2 threatened to arrest him.

§ 87(2)(b) explained that he had interacted with PO1 and PO2 in the past. § 87(2)(b) alleged that on multiple occasions, PO1 and PO2 have harassed him on the street. § 87(2)(b) described PO1 as a 200-pound White male, who appeared to be in his mid-20's or early 30's, approximately 5'6" tall, with a medium build, white curly hair, blue eyes, in uniform and who may have had tattoos on one his forearms. § 87(2)(b) described PO2 as a Black male, who appeared to be in his 20's or 30's approximately 6'1" tall, with a black Mohawk haircut, no facial hair, with tattoos covering both of his forearms and who was wearing uniform. § 87(2)(b) described PO3 as a white male, in his 30's or 40's, approximately 5'9" tall, with a heavy build, curly brown or black hair, brown eyes, light black facial hair, and who was wearing uniform and had three chevrons on his sleeve.

§ 87(2)(b) submitted a cellphone video to the investigation (**Board Review 07**). The video begins with § 87(2)(b) standing in front of the driver side window of an unmarked black Ford. A white male in uniform is sitting in the driver seat. Simultaneously, a second male in uniform, whose apparent race is White, is captured entering the vehicle through the front passenger side door. Due to the position of the camera and the lighting, it is difficult to fully see this individual's face. However, it is possible to observe that the White male officer, sitting on the front passenger seat, has a gold shield. The officer on the driver's side then says something to § 87(2)(b) which is not captured given that the video has no sound. Right after, the unmarked vehicle pulls away. The unmarked vehicle's plate number can be seen as "§ 87(2)(e), § 87(2)(f)". Right after, the video ends.

An inquiry with the NYPD Fleet Services confirmed that plate number § 87(2)(e), § 87(2)(f) belongs to a § 87(2)(e), § 87(2)(f), RMP #068617, assigned to the 77th Precinct (**Board Review 18**). The 77th Precinct Daily Vehicle Assignment Sheet for July 1, 2020, showed that RMP #068617 was not assigned to any particular officer or unit and remained at the stationhouse during Tour 3 (**Board Review 13**). The investigation also requested the Unmarked Vehicle Utilization Log; however, the 77th Precinct responded that they were unable to locate this document.

The NYPD Internal Affairs Bureau identified PO Joseph Dionisi (Tax #957550) in the complaint log as the officer captured in § 87(2)(b) cellphone video (**Board Review 08**). Upon comparing PO Dionisi's MOS photo and the officer sitting in the driver seat in § 87(2)(b) cellphone video, the investigation confirmed that it is the same person and identified PO1 as PO Dionisi (**Board Review 36**).

The investigation requested the 77th Precinct Stop Report Log for July 1, 2020. The results showed that there was only one Stop Report generated which was unrelated to this incident (**Board Review 11**). An inquiry with DAO found no Stop Reports prepared in relation to an incident in the vicinity of the incident location (**Board Review 12**).

The 77th Precinct Tour 3 Roll Call listed PO Dionisi as the only officer assigned to the anti-crime unit on July 1, 2020 (**Board Review 13**). This Roll Call did not give an indication of who PO Dionisi's immediate supervisor was at the time or who PO Dionisi worked with on that day. Additionally, upon reviewing the pedigree information at the onsite NYPD photo terminal for all

black males and Hispanic males scheduled to work Tour 3, the investigation determined that none of the officers matched PO2's description. The investigation requested the memo book entries for all the black male officers and determined that all the officers were partnered with a different officer and some of them were assigned marked RMPs which indicated that none of them could possibly be PO2 (**Board Reviews 14, 15, 16, and 17**)

PO Dionisi's memo book showed that he worked from 5:30 p.m. on July 1, 2020, until 2:05 a.m. on July 2, 2020 (**Board Review 19**). PO Dionisi did not note in his memo book which RMP he was assigned to or who his partner was on that day. PO Dionisi did not make an entry in regards to this incident.

During his CCRB interview, PO Dionisi did not remember who he worked with on July 1, 2020 (**Board Review 20**). Although he was not completely sure, PO Dionisi believed he may have worked with Sergeant John Nicolosi, who was his unit supervisor at the time. PO Dionisi stated that he was assigned a RMP on July 1, 2020, but did not remember which one and did not have it documented possibly because he was the operator of the vehicle. PO Dionisi was equipped with a Body-Worn Camera but did not remember if he activated it. PO Dionisi did not remember what he was doing or where he was on July 1, 2020. PO Dionisi stated he was familiar with the name § 87(2)(b) and believed he arrested § 87(2)(b) in the past but did not recall what § 87(2)(b) was arrested for. PO Dionisi did not recall interacting with § 87(2)(b) other than the time he arrested him.

When asked if he made any stops on July 1, 2021, PO Dionisi stated, "No. I have nothing documented and I don't think that we would have, considering the protest climate." PO Dionisi did not remember having an interaction with § 87(2)(b) at Park Place in the past. PO Dionisi was given a synopsis of this incident but stated that none of the information brought back his recollection of the incident. PO Dionisi was presented with § 87(2)(b) cellphone video. PO Dionisi identified himself as the driver of the black unmarked Ford but stated that this video did not bring back his independent recollection of the incident. PO Dionisi did not recognize the area where the video was recorded. PO Dionisi did not recognize the male in uniform entering through the front passenger side door but confirmed the officer had a gold shield. PO Dionisi was given PO2 and PO3's descriptions. However, PO Dionisi said that these descriptions did not remind him of any officer in particular and he could not think of any officer with tattoos on both arms that he had worked with.

Upon reviewing the 77th Precinct Tour 3 Roll Call, the investigation determined that Sgt. Nicolosi worked as a Response Sergeant on July 1, 2020 (**Board Review 13**).

The investigation obtained Sgt. Nicolosi's memo book entries for July 1, 2020 (**Board Review 21**). Sgt. Nicolosi noted that he was assigned to be the Response Sergeant; however, he did not note who he worked with or which vehicle he was assigned to. Sgt. Nicolosi did not make an entry in regards to this incident.

During his CCRB interview, Sgt. Nicolosi did not know who he worked with on July 1, 2020 and confirmed that he did not have this information written in his memo book (**Board Review 22**). Sgt. Nicolosi stated that he used to work with different officers and did not remember how many people he had under his supervision on July 1, 2020. Sgt. Nicolosi believed he may have been assigned an RMP but confirmed he did not have this information written in his memo book either. Sgt. Nicolosi did not have an independent recollection of this incident or the allegations. He did not remember what he did during his tour on July 1, 2020. Sgt. Nicolosi explained that, at the time, they were on standby to be mobilized to different locations where the protests were taking place. When asked, Sgt. Nicolosi confirmed that he was familiar with PO Dionisi and explained that he had worked with him in the past in different capacities while assigned to Response Auto and that PO Dionisi could have been his operator at some point. Sgt. Nicolosi did not have any knowledge of working with PO Dionisi on July 1, 2020. When asked if he ever worked with PO Dionisi in any other assignment other than Response Auto, Sgt. Nicolosi explained that he was PO Dionisi's supervisor when they were both in the anti-crime unit, approximately in the winter of 2019.

Sgt. Nicolosi stated that the name § 87(2)(b) was a bit familiar to him but clarified that he only learned about this name after he was notified that there was a complaint he filed against them. Sgt. Nicolosi had not seen § 87(2)(b) in the past and was not aware if PO Dionisi ever had any interaction with him. Sgt. Nicolosi was given § 87(2)(b) description and explained what § 87(2)(b) was wearing on the incident date. This information did not bring back Sgt. Nicolosi's recollection of someone he had interacted with in the past. Sgt. Nicolosi was given a synopsis of this incident, the actions taken by the officers and the conversations involved. However, this information did not help Sgt. Nicolosi remember any incident he had been involved in. Sgt. Nicolosi stated he did not recall stopping anyone on July 1, 2020.

Sgt. Nicolosi was presented with the 77th Precinct Tour 3 Roll Call and asked to review it and tell if he was able to recognize the officer that he worked with on July 1, 2020. After reviewing the Roll Call, Sgt. Nicolosi stated he was unable to recognize the officer that he worked with on July 1, 2020. When asked if his partner would have been an operator, Sgt. Nicolosi said not all the Sergeants had an operator and it only depended on the personnel available at the time. When asked, Sgt. Nicolosi stated that different units would wear uniforms and drive unmarked vehicles. Sgt. Nicolosi could not tell, based on what he observed in the Roll Call, which Sergeant would have been assigned to an unmarked vehicle and wear uniform. Sgt. Nicolosi did not know which other Sergeant on the Roll Call would have been assigned to Anti-crime at the time, which Sergeant worked with PO Dionisi on July 1, 2020, or which other officer was assigned to anti-crime. Sgt. Nicolosi was given PO2 and PO3's description; however, these descriptions did not remind him of any specific officer and he could not think of any officer with tattoos on their arms that had worked at the 77th Precinct.

Sgt. Nicolosi was presented with § 87(2)(b) cellphone video. Sgt. Nicolosi confirmed that the driver of the RMP was PO Dionisi but he could not tell if he saw himself in the video. Sgt. Nicolosi did not recognize the officer entering the vehicle through the front passenger side door. Sgt. Nicolosi stated the video did not bring back his recollection of any incident he was involved in.

An inquiry with the NYPD IAB/CCRB Liaison Unit was made to determine who PO Dionisi and Sgt. Nicolosi worked on July 1, 2020 (**Board Review 23**). Detective Monique Smalls confirmed that the roll call did not specify who they worked with and neither their memo book had any entry that provided this information. Det. Monique Smalls stated that if the Roll Call and their memo book did not provide this information, there was no other way of obtaining it, unless additional documents surrounding the incident were obtained.

The investigation determined Sergeant Derek Jaffe (Tax #953993) was the Supervisor in charge of conducting Roll Call during Tour 3 on July 1, 2020. Sgt. Jaffe's memo book showed that he worked with PO Connor Boalick in marked RMP #4942 (**Board Review 24**). During his CCRB interview, Sgt. Jaffe stated that he was familiar with PO Dionisi and confirmed that he has never been PO Dionisi's direct supervisor (**Board Review 25**). Sgt. Jaffe was not aware what assignment PO Dionisi had or which unit he was assigned to on or about July 1, 2020. Sgt. Jaffe said he believed PO Dionisi's supervisor was Sgt. Nicolosi at the time of the incident. Sgt. Jaffe stated that Sgt. Nicolosi worked in one of the anti-crime teams. Although Sgt. Jaffe stated that there were more anti-crime teams at the time, he did not know which other supervisors were in those teams. Sgt. Jaffe did not recall if PO Dionisi had any other direct supervisor other than Sgt. Nicolosi. Sgt. Jaffe did not recall when the anti-crime units were disbanded but confirmed that anti-crime officers were given different assignments. He added that some officers go on patrol while other officers do other functions. Sgt. Jaffe did not know their specific functions within the 77th Precinct. Sgt. Jaffe did not recall if the anti-crime officers would still appear as assigned to the anti-crime unit or to something else.

Sgt. Jaffe was presented with § 87(2)(b) cellphone video. Sgt. Jaffe said that although he saw the figure of a person, he was unable to identify the officer who is entering through the front passenger side door and the officer did not seem to be someone he was familiar with in the 77th Precinct. Although he did not have an independent recollection of who went over the roll call on

July 1, 2020, upon being presented with the Tour 3 Roll Call, Sgt. Jaffee confirmed that he signed the Roll Call at the bottom of the document which indicated that he went over the Roll Call. Upon reviewing the Roll Call, Sgt. Jaffee stated that he was unable to determine who PO Dionisi worked with on July 1, 2020. When asked Sgt. Jaffee could not explain why PO Dionisi appeared in the roll call as assigned to the anti-crime unit. When asked what other documents other than the roll call and memo book would confirm who PO Dionisi worked with at the time, Sgt. Jaffee said he did not know.

The investigation requested and obtained the MOS photos for all additional Sergeants scheduled for Tour 3 on July 1, 2020 (**Board Review 26, 27, 28, 29, 30, 31**). After comparing the officers' pedigree information with PO3's description, the investigation determined that only Sgt. Roger Quintero and Sgt. Anthony Bertram could potentially be PO3. According to Sgt. Quintero's MOS photo, Sgt. Quintero is a § 87(2)(b) -old Hispanic male, 5'10" tall, 225-pounds, with a heavy build, straight short brown hair, brown eyes, and a beard. Sgt. Quintero has a light complexion. Sgt. Bertram is a § 87(2)(b) -old White male, 6'0" tall, 230-pounds, with a heavy build, short straight brown hair, partially bald, brown eyes, and no facial hair. Upon requesting their memo books entries, the investigation determined that Sgt. Bertram and Sgt. Quintero had administrative assignments. Sgt. Bertram was out of service for an administrative assignment from 4:25 p.m. until 11:30 p.m.

The investigation interviewed Sgt. Quintero, who had become a Lieutenant at the time of the CCRB interview (**Board Review 32**). Lt. Quintero stated that he did not recall this incident and explained that he was inside the 77th Precinct during his entire tour as he worked in an administrative assignment. Lt. Quintero did not have an independent recollection of going out into the field on July 1, 2020. Lt. Quintero stated he was familiar with PO Dionisi and they were assigned to the same squad a couple of years ago, but that they had never worked together in the past. Lt. Quintero was not familiar with the name § 87(2)(b) never had an interaction with anyone named § 87(2)(b) and never had a conversation with PO Dionisi in regards to § 87(2)(b). Lt. Quintero was given a synopsis of the incident; however, he stated that this information did not bring back his recollection of an incident he had been involved in.

Lt. Quintero was presented with § 87(2)(b) cellphone video. When asked, Lt. Quintero stated that the officer sitting on the driver side is PO Dionisi. Lt. Quintero denied being the officer who is entering the unmarked RMP through the front passenger side door. When asked if he recognized this officer, Lt. Quintero stated that this officer looked like Sgt. Nicolosi. Lt. Quintero was presented with the 77th Precinct Roll call. Upon reviewing the Roll Call, Lt. Quintero stated that he could not determine who PO Dionisi worked with at the time.

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 38**).
- PO Dionisi has been a member-of-service for seven years has been a subject in five CCRB complaints and 12 allegations, of which one was substantiated:
 - **201806017** involved substantiated allegations of vehicle stop against PO Dionisi. The Board recommended Command Discipline A and the NYPD imposed no penalty (see officer history).

Mediation, Civil, and Criminal Histories

- § 87(2)(b) accepted mediation; § 87(2)(g)
- As of January 13, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (**Board Review 34**).
- § 87(2)(b)

Squad: 9

Investigator:	<u>Juan Arango</u>	<u>Inv. Juan Arango</u>	<u>03/02/2022</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Monique West</u>	<u>IM Monique West</u>	<u>03/03/2022</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date